



Douglas J. MacGinnitie
Commissioner

State of Georgia
Department of Revenue

Frank O'Connell
Director

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1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

NOTICE

(Notice ATD 2011-3)

RE: Proposed Amended Rules to the Department of Revenue, Alcoholic Beverages

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-2 of the Rules and Regulations of the State of Georgia by proposing amendments to:

- 560-2-18-.15, entitled "Denial of License."
- 560-2-18-.16, Violations; Unlawful Activities."

Attached with this notice are exact copies and synopses of the proposed Rules. The proposed Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, and 3-2-6.


The Department of Revenue shall consider the adoption of the above-referenced proposed Rules at 10:30 a.m., on Wednesday, August
3, 2011 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the above-referenced proposed Rules from interested persons no later than 10:00 a.m. on Wednesday,
August 3, 2011.

Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651.

Please reference "Notice Number ATD 2011-3" on all comments.

Dated: July 1, 2011


Doug J. MacGinnitie
Commissioner, Department of Revenue

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-18 COIN OPERATED AMUSEMENT MACHINES

560-2-18-.15 Denial of License – Coin Operated Amusement Machines

- The Department is proposing a new rule to provide for the procedural requirements upon denial of a COAM license.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-18
COIN OPERATED AMUSEMENT MACHINES**

560-2-18-.15 Denial of License.

(1) The failure of any applicant, or failure of any Person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of Georgia shall be grounds for denial of the license, permit or registration for which an application is made.

(2) When contrary to the public interest and welfare, no license for COAM shall be issued by the Commissioner to:

(a) Any person as determined by the Commissioner, by reason of that person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws;

(b) Any person convicted of a felony who served any part of a criminal sentence, including probation within the ten (10) years immediately preceding the date of receipt of submission of the application.;

(c) Any person who has been convicted of a misdemeanor who served any part of a criminal sentence, including probation within the five (5) years immediately preceding the date of receipt of submission of the application.

(3) The Commissioner may decline to issue a state license to a person for the operation of a Place of Business when any person having any interest in the operation of that Place of Business, or control over such Place of Business does not meet the same requirements as set forth in these regulations for the Licensee.

(4) If the Commissioner has reason to believe that the applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant in writing.

(a) The applicant shall have thirty (30) days from the date of the notice to request, in writing, a hearing on the application;

(b) Upon receipt of applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for a hearing on the application pursuant to the regulations in Chapter 19;

(c) If the Commissioner, after providing notice and an opportunity for a hearing, finds the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which that denial is based.

O.C.G.A. § 48-2-12, 48-17-4, 48-17-5, 48-17-6.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-18 COIN OPERATED AMUSEMENT MACHINES

560-2-18-.16 Violations; Unlawful Activities.

- The Department is proposing a new rule to provide that any act by an employee of a licensee shall be deemed to be an act of that licensee.
- This Rule also provides that it is a violation for any licensee, permittee, or registrant to permit any person to engage in any activity on the licensed premises that constitutes a violation of any law, and that with respect to any such activity it will be rebuttably presumed that the act was done with the knowledge and/or consent of the licensee.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-18
COIN OPERATED AMUSEMENT MACHINES**

**560-2-18-.16 Violations; Unlawful Activities -
General Provisions.**

(1) Any person holding any license, permit, or registration issued pursuant to COAM or any employee or agent of the person who violates any provision of the law or these regulations, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to administrative penalty, suspension, revocation or cancellation.

(a) For purposes of administering and enforcing the law and these regulations, any act committed by an employee, agent or representative of a Licensee shall be deemed to be an act of the Licensee.

(2) It shall be a violation of these regulations for any Licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.

(a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or consent of the Licensee; provided however, that this presumption may be rebutted only by evidence which

precludes every other reasonable hypothesis such that such Licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Authority: O.C.G.A. § 48-2-12, 48-17-12.

PROPOSED